

DOCUMENT RESUME

ED 347 681

EA 024 131

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TITLE Oregon Education Act for the 21st Century:
Implications for the Profession and Administrator
Training.
PUB DATE Apr 92
NOTE 24p.; Paper presented at the Annual Meeting of the
American Educational Research Association (San
Francisco, CA, April 20-24, 1992).
PUB TYPE Reports - Descriptive (141) -- Speeches/Conference
Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Administrator Education; Early Childhood Education;
Educational Change; *Education Work Relationship;
Elementary Secondary Education; Higher Education;
*Management Development; *School Restructuring;
*State Legislation; Teacher Education
IDENTIFIERS *Oregon; Oregon Education Act for the 21st Century
1991

ABSTRACT

In 1991, the Oregon Legislature passed a landmark educational reform bill, the "Oregon Education Act for the 21st Century," providing for an extended school year, instructional accountability, establishment of state-funded, alternative learning centers, and a restructured high school program issuing certificates of mastery. High school as it is presently known could terminate at grade 10 in Oregon, and the role of business, industry, and the community colleges could be greatly expanded. This presentation outlines the bill in lay language to begin discussion of its implications for administrators and higher educators charged with program delivery responsibilities. The act requires: (1) periodic review and revision of common curriculum goals; (2) an "Oregon Report Card" submitted to district patrons and the legislature; (3) statewide accountability procedures; (4) a policy requiring parental involvement; (5) allocation of state monies for the 21st Century Schools Program and School Improvement and Professional Development Program; (6) a Distinguished Oregon Educators Program; (7) State Board of Education-developed educational choice models; (8) full funding for Head Start; (9) a directed study on developing an ungraded primary program; (11) an Early Childhood Improvement Program; (12) an advisory council appointed by the Superintendent of Public Instruction; (13) certificates of initial and advanced mastery; (13) child labor law reforms; and (14) a 220-day school year. Appendices explain and summarize the act and present its full text. (MLH)

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ED347681

Oregon Education Act for the 21st Century: Implications for the Profession and Administrator Training

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ABSTRACT

Oregon has taken a bold leap forward with respect to educational reform. The "Oregon Education Act for the 21st Century" provides for changes in the length of the academic year, accountability for instruction, for the establishment of alternative learning centers at state expense to serve children and adults who need assistance and mandates certificates of initial mastery and certificates of advanced mastery.

Consequently high school as it is presently is known could terminate at Grade 10 in Oregon and the role of business, industry and the community colleges could be greatly expanded. This presentation will outline the bill in lay language in order to begin a nation-wide formal discussion of the implications of this legislation for administrators and higher educators charged with the responsibility of program delivery.

Oregon Education Act for the 21st Century: Implications for the Profession

During the 1991 Oregon Legislative Session, a mega-education reform bill was introduced and passed both the House and the Senate. This bill emerged as the result of a continuing relationship by former House Speaker and present Representative Vera Katz on a powerful national reform committee: the National Center on Education and the Economy (ie: "Carnegie Commission"). Since 1984 educational reform has occurred swiftly in Oregon starting first with teacher education; the next topic was continuing professional development of teachers; the third reform influenced administrative training and culminates in this mega-bill titled "Oregon Education Act for the 21st Century."

Facets of this bill deserve to be discussed on a national level. It has potential implications for the restructuring of schools, the restructuring of teacher and administrator training and for the movement of graduates of this system into the workplace or higher education. There is no part of the education network that will be untouched by this bill...for every decision that is made about curriculum, there will be side effects with respect to management.

The authors have had a long involvement with the reform movement in Oregon. One comes from the perspective of private and public teacher training; another from the State Department of Education who will be responsible for carrying out the mandates of the bill and the third from the perspective of licensing teachers and administrators who will work within this new system. Sub-committees have been working side-by-side with the authors of the bill attempting to decide if a particular line or section can really be implemented and what the side-effects of such an implementation will be; these committees have representatives from education, the lay public, business and industry and higher education.

It is the intent of this session to present a section by section analysis of the bill in lay terminology. The original copy of the bill is also appended. In summary, this act requires:

1. periodic review and revision of Common Curriculum Goals including essential learning skills (these are in process);
2. creates and "Oregon Report Card" submitted to district patrons and the legislature;
3. establishes statewide accountability procedures for elementary and secondary education;
4. establishes policy requiring parental involvement in schools;

5. allocates state monies for 21st Century Schools Program and School Improvement and Professional Development program;
6. creates "Distinguished Oregon Educators" program;
7. directs the State Board of Education to create educational choice models;
8. expresses full funding for Oregon Head Start;
9. directs study on development of ungraded primary program;
10. directs student assessment for grades 3, 5, 8 and 10;
11. established Early Childhood Improvement Program;
12. requires Superintendent of Public Instruction to appoint advisory council;
13. establishes Certificates of Initial Mastery and Advanced Mastery;
14. directs child labor laws to become consistent with educational policies;
15. provides for a 220 day school year.

This bill was passed and is effective July 1, 1991. There are many phase-in stages build into the bill. The implications for the state are many and it is time to begin a national discussion and sharing with respect to these issues. The American Educational Research Association program presents an excellent opportunity for this discussion to begin.

Oregon Educational Act for the 21st Century



"The Legislative Assembly declares that a restructured educational system is necessary to achieve the state's goals of the best educated citizens in the nation by the year 2000 and a work force equal to any in the world by the year 2010."

Adopted HB 3565

"Oregon has taken a pioneering step, and America will be watching and learning."

Lamar Alexander

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HIGHLIGHTS

Oregon Educational Act for the 21st Century

Adopted House Bill 3565

- Declares that a restructured educational system is necessary to achieve the state's goal of having the best educated citizens in the nation by the year 2000 and a work force equal to any in the world by the year 2010.
- Requires schools to develop student skills in reading, writing, reasoning, information retrieval, problem solving, listening, speaking, critical thinking, and working effectively alone and as part of a group. Schools also will be required to ensure student knowledge of social studies, foreign languages, humanities, visual, performing and literary arts, advanced mathematics and sciences. Requires schools to organize instructional groupings as heterogeneously as possible. (This is only a partial list.)
- Sets education performance standards for all students called the Certificate of Initial Mastery (grade 10) and the Certificate of Advanced Mastery (grade 12) that are benchmarked to the highest in the world. Common Curriculum Goals and Essential Learning Skills will be revised to reflect this "world class" curriculum.
- Implements ongoing performance based assessments at grades 3, 5, 8, and 10, including work samples, portfolios, and other "authentic" assessments, to measure student mastery and progress. Department of Education will set the standards students must meet at grade levels leading to a Certificate of Initial Mastery.
- Holds schools accountable for student's satisfactory progress, including providing additional services to attain the standard at selected grade levels, and for the Certificate of Initial and Advanced Mastery.
- Makes Head Start available to all eligible children by 1998; 50 percent of eligible children by 1996.
- Requires the Department of Education to develop model programs and an implementation plan for developmentally appropriate nongraded primary school for all schools.

The plan will include strategies for prevention of failure and preventative and remedial services, early intervention for students needing special assistance, a funding formula to reduce class size, integration of health and social services, and parental involvement in the schools.
- Requires schools to provide alternative learning environments, services, and intervention strategies for students needing assistance in attaining the Certificate of Initial and Advanced Mastery.
- Provides all students, after receipt of the Certificate of Initial Mastery, an opportunity to branch out into educational options to obtain a Certificate of Advanced Mastery with college preparatory or academic professional technical endorsements, or both. The program's design will allow students to move between endorsements, with both endorsement options providing the ability for students to enter a two- and/or a four-year college program.
- Develops comprehensive education and training programs for two- to five-year professional technical endorsements and associate degrees.
- Involves business, labor, and education as partners in developing curriculum and performance standards for school-to-work transition programs.

Questions Most Often Asked Regarding HB 3565

1. Does school end at the 10th grade once a student has obtained a Certificate of Initial Mastery?

Perhaps the most common misconception about HB 3565, the answer is an emphatic "no." Once the Certificate of Initial Mastery has been obtained, educational opportunities will be expanded during the final two years of high school, and beyond. Students will take professional/ technical courses in broad career fields, often in a non-traditional setting, and/or a college preparatory curriculum. Built-in flexibility will permit them to move back and forth between options leading toward college, the workplace or a combination of the two.

2. What does the Act mean for students receiving special education?

Students eligible for special education will continue in an Individualized Education Program tailored to each youngster's needs. That does not, however, preclude students with disabilities completing a public school education in much the same manner as their peers without disabilities, perhaps with minor modifications or adaptations.

3. Critics argue that the choice option after the 10th grade amounts to a "two-track" system that divides students according to their ability. Is that a valid argument?

No. After completing a rigorous academic program and receiving a Certificate of Initial Mastery (CIM) the student has the option of selecting a career path leading to a Certificate of Advanced Mastery (CAM) with either a college preparatory and/or an academic/professional-technical endorsement, or both. The United States is the only major industrialized country that does not have a well-defined and implemented school-to-work transition. By offering new opportunities for skilled technological training, often in non-traditional settings such as the workplace, HB 3565 reaches out to our most neglected students—the 70 percent who will NOT go on to college.

4. What will be required of school districts in the next two years?

Very little at the local level, other than to become informed and involved. Educators and community members will participate with the Department of Education staff in research and development over the next two years. By September 1992, one site committee, or 21st Century Council, must be established in each district with more than one school. Membership includes teachers, a principal, classified employees, parents and representatives from the business community. These councils will heighten the involvement of teachers and members of the community in the decision process.

5. What is the purpose of learning centers?

Learning centers will be established in communities to help students succeed in attaining a CIM. They are designed to aid those who need special assistance or who may have dropped out of school by providing them with access to education programs and support services. Some districts already have facilities and programs that will fill the need.

TIMELINE

ODE Development/Implementation
of HB 3565

8/1/91	12/31/91	7/1/92	9/1/92	9/92	1/93	1/94	9/94	9/95	1/95	1/96	6/97	7/1/97	98	2000
Appt. 21st Century School State Adv. Comm.	Adopt rules for Early Childhood Improv. Prgm.	Development of School Choice Guidelines 1st review & adoption of CCGs & ELSs Approve applications for Early Childhood Improv. Program	Issue 1st OR Report Card Models for nongraded primary program developed Hire 6 Distinq OR Ed.	One school council in each district with more than one building	Report on feasibility of districts implementing non-graded primary programs CIM & CAM Plans & cost for dist. to Legislature State Bd. of Higher Ed will develop programs & lch. prep related to this Act. Report on all plans for implementation & rules to Leg. Assembly including rules for employment of minors	Curr. & standards identified to achieve prof/tech use endorsements in 6 categ. State Bd. establish criteria for CIM & CAM	All school dist. shall have at least one school site with a 21st Cent. Sch. Council	Every school site will have a 21st Cent. School Council	Each dist. submits plan to insure its curr. meets the req. of the CIM & CAM Plan to establish alt. learning environment including learning ctr.	Funding avail. for 50% of children eligible for Head Start School year lengthened to 185 days On-site school visits every 3 yrs. 1% of State School Fund for Sch. Impr. Programs	CIM for every student School dist. shall institute programs leading to CAM	CIM students can attend any educ. institution w/ tuition paid by dist. to achieve CAM	Full funding for Head Start	Best educated citizens in the nation

*CIM = Certificate of Initial Mastery

*CAM = Certificate of Adv. Mastery

*CCGs = Common Curriculum Goals

*ELs = Essential Learning Skills

9/11/91

A Section-by-Section Summary of HB 3565-B

Section 1

Adopts the name Oregon Educational Act for the 21st Century. Names the Department of Education as the coordinating agency and specifies that the Act is subject to review by subsequent Legislative Assemblies.

Section 1a

Assigns certain tasks of oversight and implementation to the appropriate legislative interim committee.

Section 1b

A statement of the legislature's beliefs about the broad mission of education.

Section 2

Adds a more specific set of educational beliefs and commitments; names specific objectives of the Act.

Section 3

Describes the characteristics of the elementary and secondary schools the Legislative Assembly wishes to maintain

Section 4

Encourages the participation of parents and employers in educational matters

Section 4a

A statement of the legislature's beliefs about services for young children and their families

Section 4b

Further specifies the characteristics of education and other programs providing services to children and families

Section 4c

Defines families, services, and young children, for the purposes of this Act.

Section 5

Relates the present statewide curriculum, the essential learning skills and common curriculum goals, to the skills and

Section 14

Sets the timetable for each district (September 1994) and each school (September 1995) to have a 21st Century School Council.

Section 15

Requires the State Board of Education to appoint a 21st Century Schools Advisory Committee and describes its makeup. Specifies the deadline for grant applications and coordinates the grants with the grant-in-aid budget of the Department.

Section 16

Requires the 21st Century Schools Advisory Committee to propose to the State Board of Education criteria for selecting Distinguished Oregon Educators, a group with special skills useful to school districts who need assistance.

Section 17

Requires the State Board of Education to prepare guidelines and models to assist school districts that wish to pursue public school choice programs. (On June 25, subsection (2) required a study of the place of private schools in any school choice plan, but efforts were under way to have it removed.)

Section 18

Declares the prompt implementation of early childhood education programs to be state policy. Sets full funding of Head Start as a goal for 1998.

Section 18a

Requires the Department of Education and the Office of Community College Services to develop a long range plan for serving eligible children and their families, and to report biennially on the funds necessary to implement each phase.

Section 18b

Expands eligibility for state prekindergarten programs as federal Head Start funding expands.

Section 19

Defines approved program, at-risk children, early childhood education, Early Childhood Improvement Program, and extended day services for the purpose of this Act.

Mastery. Requires school districts to provide additional services to students not making adequate progress, and to allow the student to transfer to another district if necessary. Specifies the transfer of funds among districts.

Section 22

Declares it to be state policy that students remain in schools and achieve certificates of initial and advanced mastery. Requires the Department of Education to propose rules governing employment of certain minors and submit those rules to the next Legislative Assembly.

Section 23

Requires the Workforce Quality Council to propose policies consistent with this Act and sketches in the context of such policies.

Section 24

Requires the Department of Education, in cooperation with other groups, to formulate a plan for learning environments designed to help students who have not achieved the Certificate of Initial Mastery. The focus of the "learning environments" is the new high tech, community-based Learning Centers. Describes the funding of such centers.

Section 25

Describes the range of programs open to student with Certificate of Initial Mastery. Specifies how funding is to follow the student in each setting. Assigns the State Board of Education the responsibility of facilitating movement between the programs offering the academic professional technical endorsement and those offering the college preparatory endorsement.

Section 26

Amends ORS 339.115 to reduce from 21 to 19 the age at which students must be admitted to public schools without tuition. Specifies categories of students who must be admitted and prescribes a mechanism for appeal of admission decisions.

Section 27

Requires each school district to institute by September 1997 programs leading to a Certificate of Advanced Mastery, with academic professional technical or college preparatory endorsements.

Section 28

Gives the Legislative Counsel latitude in changing a variety of terms to "21st Century Schools Council."

Section 37

Specifies that nothing in the Act is mandated without adequate funding support.

Section 38

Requires the State Board of Education to adopt rules as necessary for the implementation of the Act.

Section 39

Defines the word "oversee" in HB 3133, a companion measure.

Section 40

Declares this Act necessary for the immediate preservation of the public peace health and safety, allowing the Act to take effect on July 1, 1991.

Enrolled
House Bill 3565

Sponsored by Representative KATZ; Representatives BARNES, BAUM, BAUMAN, BRIAN, BURTON, CALOURI, CAMPBELL, CARTER, CEASE, CLARK, COURTNEY, DERFLER, EDMUNSON, GILMOUR, HUGO, R. JOHNSON, D. JONES, JOSI, MANNIX, MARKHAM, MASON, McTEAGUE, MEEK, NAITO, NELSON, NOVICK, OAKLEY, PARKS, PICKARD, RIJKEN, ROBERTS, SCHOON, SHIBLEY, SHIPRACK, SOWA, STEIN, TAYLOR, VAN VLIET, WATT, Senators BRENNEMAN, CEASE, COHEN, GOLD, GRENSKY, HAMBY, J. HILL, JOLIN, KITZHABER, PHILLIPS, SHOEMAKER, SMITH, SPRINGER

CHAPTER _____

AN ACT

Relating to education; creating new provisions; amending ORS 327.006, 327.103, 336.705, 336.730, 336.745, 339.115 and 343.415; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) This Act shall be known as the Oregon Educational Act for the 21st Century.

(2) The Department of Education shall be the coordinating agency for furthering implementation of this Act. This Act shall be subject to review by the Sixty-seventh Legislative Assembly and each Legislative Assembly thereafter until the year 2001 for purposes of evaluating progress toward achieving the various mandates of this Act and also effecting any necessary changes.

SECTION 1a. (1) During the 1991-1992 interim, the appropriate legislative interim committee shall:

(a) Develop the form and content expected of the ongoing review described in section 1 of this Act;

(b) Notify the appropriate agencies of expectations; and

(c) Receive and evaluate regular reports from the Department of Education and other public agencies.

(2) This review outline may be changed as needed in succeeding years.

SECTION 1b. The Legislative Assembly believes that education is a major civilizing influence on the development of a humane, responsible and informed citizenry, able to adjust to and grow in a rapidly changing world. Students must be encouraged to learn of their heritage and their place in the global society. The Legislative Assembly concludes that these goals are not inconsistent with the goals to be implemented under this Act.

SECTION 2. The Legislative Assembly declares that:

(1) The State of Oregon believes that all students can learn when offered appropriate learning opportunities, held to rigorous intellectual standards and expected to succeed.

(2) Access to a quality education must be provided for all of Oregon's youth regardless of linguistic background, culture, race, gender, capability or geographic location.

(3) A restructured educational system is necessary to achieve the state's goals of the best educated citizens in the nation by the year 2000 and a work force equal to any in the world by the year 2010.

(4) Education programs and strategies that can substantiate a claim to the prevention of human and social costs are of highest priority to the state.

SECTION 4a. To insure that all educational and other services for young children and their families afford the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children should be observed to the maximum extent possible in all of its educational and other programs serving young children and their families:

(1) Services for young children and their families should be located as close to the child and the family's community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, sex, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the family and be planned in consideration of existing family values, with the primary concern being the welfare of the child;

(4) Services should be designed to assure continuity of care among care givers in a given day and among service plans from year to year;

(5) Service systems should be comprehensive in nature with the flexibility to identify and address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family.

SECTION 4b. (1) Education and other programs providing services to children and families, as identified in ORS 417.315 (4), shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 417.305 and section 3 of this Act in the earliest stages of the budget process;

(b) Articulate ways in which the program is an effective component of agency and state priorities, goals and strategies, such as those developed by the Oregon Progress Board, or to relevant research and professional standards;

(c) Establish plans, interagency partnerships, implementation practices and interactions with local and private sectors required by ORS 417.305 (3);

(d) Utilize the information generated by applicable state advisory groups and by the local planning process administered by the Oregon Community Children and Youth Services Commission in the program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and related recommendations, if any.

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination described in ORS 417.305 so as to serve to the greatest extent possible young children and their families in a comprehensive and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to subsequent budget decisions by state and local agencies, the Executive Department and Legislative Assembly, and as a contribution to the planning and coordination tasks of the Oregon Coordinating Council for Children and Families.

SECTION 4c. As used in sections 4a and 4b of this Act:

(1) "Families" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations. The family's purpose is the security, support, nurturance, love, transmission of values and facilitation of each member's growth and development, and is the primary social unit affecting a child's well-being.

(2) "Services" means education and all other programs and services addressing one or more of a child's six basic needs as follows: stimulus, nutrition, health, safety, nurturance and shelter.

(3) "Young children" means children zero through eight years of age.

SECTION 5. In order to achieve the goals contained in sections 2 to 4 of this Act, the State Board of Education regularly and periodically shall review and revise its common curriculum goals, including essential learning skills. The common curriculum goals shall reflect the knowledge and skill outcomes necessary for achieving a Certificate of Initial Mastery and a Certificate of Advanced

(b) Information pertaining to student achievement, including statewide assessment data, graduation rates and dropout rates, including progress toward achieving the education benchmarks established by the Oregon Progress Board, with arrangements by minority groupings where applicable.

(c) Information pertaining to student access to and utilization of educational and support services, including regular education programs, special education, compensatory education, bilingual and English as a second language programs, advanced course work, professional technical training, counseling services, library and media services and transportation and food services.

(d) Information pertaining to the characteristics of the school and school staff, including assignment of teachers, experience of staff and the proportion of minorities and women represented on the teaching and administrative staff.

(e) Budget information, including source and disposition of school district operating funds and salary data.

(f) Available information gathered on a sampling basis, in cooperation with the Occupational Program Planning System of the Employment Division, to monitor high school students in areas such as further education and training and labor market participation.

(g) Examples of exemplary programs, promising practices or other innovations in education developing in this state.

(h) Such other information as the superintendent obtains under section 9 of this Act.

(4) In the second and subsequent years that the report is issued, the report shall include a comparison between the current and previous data and an analysis of trends in public education.

SECTION 11. Sections 12 to 14 of this Act are added to and made a part of ORS 336.530 to 336.570.

SECTION 12. (1) In addition to the application described in ORS 336.555 for the 21st Century Schools Program or ORS 336.720 for the School Improvement and Professional Development program, a school district may submit proposals to:

(a) Modify laws, rules or policies;

(b) Establish nongraded school programs for students;

(c) Extend the school year or teacher and student contact hours for all students in the district or for a specified group of students;

(d) Integrate health and social services at the school site to meet the comprehensive needs of children and the families in which they live;

(e) Substantially modify traditional methods of delivering and monitoring educational services, including but not limited to the elimination of the 55-minute class period and graded classrooms and the promotion of such strategies as the use of team teaching, student-to-student mentoring, bilingual tutoring programs and inclusion of special needs population;

(f) Operate a team, small group model school with a team of teachers remaining with the same students over a period of several years using a variety of teaching techniques and research-based cooperative small groups;

(g) Develop public school choice plans to give parents, students and teachers more freedom to design and choose among programs with different emphases, both among school districts and within and among schools;

(h) Restructure programs for students, including but not limited to applied academics, youth apprenticeships and other schoolwork models that involve, as a minimum, two-year programs;

(i) Develop new programs integrating technology into the curriculum, instruction and student assessment;

(j) Increase parent involvement in decision-making at the school site; and

(k) Restructure programs for middle level students, including, but not limited to, heterogeneous groups, integrated curriculum and staffing and appropriate teaching strategies.

(2) A district that applies under this section shall submit a proposal in accordance with rules adopted by the State Board of Education, including a requirement that the district form a district site committee composed of representatives from all affected school buildings.

required reports are filed with the Department of Education. If underpayments or overpayments result, adjustments shall be made in the following year.

SECTION 16. The 21st Century Schools Advisory Committee shall propose for adoption by the State Board of Education criteria for selecting Distinguished Oregon Educators who possess special skills to assist in schools beginning with the 1992-1993 school year. The 21st Century Schools Advisory Committee shall nominate educators to the Department of Education, which shall select educators who meet the criteria and who are willing to serve. With the consent of the employing school district, the educator may be assigned to assist the school districts as a member of a department team for a period not to exceed two years while retaining all rights to employment, seniority and other benefits in the educator's employing school district. During the period of the assignment, the educator or the educator's employing school district shall be compensated by the Department of Education.

SECTION 17. The State Board of Education shall prepare by July 1, 1992, a proposed set of guidelines and models to assist school districts that wish to pursue programs of choice, pursuant to sections 21 and 25 of this Act. The board shall pay particular attention to identifying obstacles that impede choice in terms of laws, rules, state and local policies and practices and transportation considerations. No program of choice under this section shall permit segregation on the basis of race, gender, capability or disabling conditions.

SECTION 18. It is the policy of this state to implement, at the earliest possible time, programs for early childhood education including prenatal care, parenting education, child-parent centers and extended Oregon prekindergarten programs. By 1996, funding shall be available for 50 percent of children eligible for Oregon prekindergarten programs, and, by 1998, full funding shall be available for all eligible children. The Oregon prekindergarten program shall continue to be operated in coordination with the federal Head Start program in order to avoid duplication of services and so as to insure maximum use of resources.

SECTION 18a. (1) In consultation with the advisory committee for the Oregon prekindergarten program, the Department of Education and the Office of Community College Services shall develop a long-range plan for serving eligible children and their families and shall report to each regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The department shall determine the rate of increase in funding necessary each biennium to provide service to all children eligible for the prekindergarten program by 1998.

(2) The Department of Education and the Office of Community College Services shall include in their budget requests to the Governor, beginning with the 1993-1995 biennium, funds sufficient to implement each two-year phase of the long-range plan.

(3) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs.

SECTION 18b. When the federal Head Start program provides funding for programs for eligible children at at least the 1990-1991 per child level, as described in ORS 326.600 (3), eligibility for state funded prekindergarten programs shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the State Board of Education may direct expenditure of any unexpended or unobligated funds appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the state board shall include the cost of any added program for the children most in need in its biennial budget.

SECTION 19. ORS 343.415 is amended to read:

343.415. As used in ORS 343.415 to 343.435:

(1) "Approved program" means an early childhood education program approved by the Department of Education.

and health professionals, parents, early childhood specialists and business and community members to assist with the establishment of the rules and program requirements under ORS 343.415 and sections 19a to 19e of this Act. The advisory committee shall be disbanded on June 30, 1992.

SECTION 19c. (1) The State Board of Education shall adopt rules for the establishment of the Early Childhood Improvement Program. Rules shall require school districts to include in their applications cooperative efforts with other programs for young children.

(2) The Department of Education shall review and approve applications by July 1 of each year.

SECTION 19d. Application approval shall commence on January 1, 1992, to be approved not later than July 1, 1992.

SECTION 19e. The initial rules to implement sections 19a to 19e of this Act shall be adopted not later than December 31, 1991.

SECTION 19f. (1) By the 1992 school year, the Department of Education shall recommend models for use by school districts for developmentally appropriate nongraded primary programs for children enrolled in prekindergarten through the primary grades. The models shall be done in consultation with:

(a) Teachers, parents, administrators and classified school employees from schools and Oregon prekindergarten programs that currently provide:

- (A) Developmentally appropriate nongraded primary programs;
- (B) Comprehensive health and social services;
- (C) Active parent involvement;
- (D) Extended day services; or
- (E) Staff development programs in developmentally appropriate practices;

(b) Higher education faculty representatives from the fields of education, human development and family services; and

(c) Community college representatives from the field of early childhood education.

(2) The State Board of Education shall report to the 1993 regular session of the Legislative Assembly on the feasibility of all school districts implementing nongraded primary programs, including strategies for prevention of failure and early intervention for students requiring special assistance.

(3) Plans for early childhood education shall include a recommended funding formula and implementation process that recognize the need for flexible models to meet local needs and shall include strategies that:

- (a) Reduce the ratio of students to teachers and other trained adults in the classroom;
- (b) Utilize trained classified and other support personnel;
- (c) Coordinate comprehensive health and social services to parents and families;
- (d) Provide preventive and remedial services;
- (e) Provide for extended day services to children either through coordination with existing community providers or through school-sponsored programs;
- (f) Improve the curriculum and instructional practices consistent with research;
- (g) Provide materials, supplies and equipment needed to carry out developmentally appropriate programs;
- (h) Provide inservice training in developmentally appropriate practices for staff;
- (i) Encourage parent or guardian participation and education regarding developmentally appropriate practices for young children;
- (j) Recognize the necessity for appropriate physical facilities to carry out this subsection;
- (k) Encourage heterogeneous groupings of students and discourage negative labeling of children's learning levels; and
- (L) Develop nongraded primary models that are culturally and linguistically appropriate.

SECTION 19g. The Department of Education shall study and develop plans to insure that the school restructuring efforts framed in this Act address the unique learning and developmental needs of the middle educational levels between the early childhood education and Certificate of Initial Mastery levels detailed in this Act. This shall be done in consultation with teachers, parents and

another district that agrees to accept the student. The district that receives the student shall be entitled to payment. The payment shall consist of:

(a) An amount equal to the district expenses from its local revenues for each student in average daily membership, payable by the resident district in the same year; and

(b) Any state and federal funds the attending district is entitled to receive payable as provided in ORS 332.595 (2).

SECTION 22. (1) It is the policy of the State of Oregon to encourage students to remain in school and to earn their Certificates of Initial Mastery and Certificates of Advanced Mastery before seeking employment during the regular school year.

(2) With the advice of the Wage and Hour Commission and in consultation with the Workforce Quality Council and the State Board of Higher Education, the State Board of Education shall propose rules applicable to the continuation of education of minors who have not obtained the Certificate of Initial Mastery and the Certificate of Advanced Mastery and who seek to be employed during the regular school year. The proposed rules shall provide opportunities to participate in the employment decision-making relating to the minor, by the minor, the minor's parents or guardian, local school authorities and the potential employer.

(3) The state board shall submit its proposed rules to the Legislative Assembly for review not later than January 1, 1993.

(4) If the state board's proposed rules are approved by the Legislative Assembly, the state board's proposed rules shall take effect July 1, 1997.

(5) Nothing in this section is intended to affect the authority of the Wage and Hour Commission to regulate the employment conditions of minors under ORS 653.305 to 653.545.

SECTION 23. (1) The Oregon Workforce Quality Council, established under section _____, chapter _____, Oregon Laws 1991 (Enrolled House Bill 3133), in consultation with the Department of Education, the Office of Community College Services, the Bureau of Labor and Industries, the Economic Development Department and the Department of Human Resources, shall propose policies and strategies consistent with this Act.

(2) The Oregon Workforce Quality Council's policies and strategies must take into account that:

(a) The state must promote innovative thinking with respect to the curriculum and educational delivery system of Oregon public schools;

(b) The state must require of all youth a level of achievement that prepares them to pursue college, professional technical programs, apprenticeships, work-based training and school-to-work programs;

(c) Greater employer investment is essential in the ongoing training of all workers to meet work force needs;

(d) The state must encourage Oregon businesses to improve productivity by creating high performance work organizations that provide high skills and high wage opportunities for youth and adults; and

(e) All employment-related training, education and job placement services and sources of funds must be coordinated among state agencies and boards and must complement the state's overall efforts on behalf of youth and adults.

SECTION 24. (1) By January 1, 1995, the Department of Education in consultation with the Office of Community College Services and the Oregon Workforce Quality Council shall formulate an implementation plan for approval by the State Board of Education establishing learning environments that may include Learning Centers designed to assist students who have left school in obtaining the Certificate of Initial Mastery through the use of teaching strategies, technology and curricula that emphasize the latest research and best practice.

(2) The Learning Centers shall also provide the integration of existing local and community programs that provide any part of the services needed to assist individuals in obtaining the Certificate of Initial Mastery.

(3) The plan for the centers shall promote means of identifying, coordinating and integrating existing resources and may include:

having earned the Certificate of Advanced Mastery or who has attained 19 years of age and who wishes to continue a program, may do so by paying tuition. As used in this section, "public educational institution" does not include a public school to which a student has transferred under section 21 of this Act.

(4) A high school diploma issued by an accredited private or out-of-state secondary school as signifying successful completion of grade 12 shall be considered acceptable in lieu of a Certificate of Advanced Mastery for purposes of any rights or privileges that attach to the holder of a Certificate of Advanced Mastery.

SECTION 26. ORS 339.115 is amended to read:

339.115. (1) Except as provided in ORS 336.165 authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of [6] 5 and [21] 19 residing therein *[or all persons between the ages of 5 and 21 residing therein if the district operates a kindergarten program]*. The person whose [21st] 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. However, a district school board may admit other nonresident persons, determine who is not a resident of the district and may fix rates of tuition for nonresidents. A district must admit an otherwise eligible person who has not yet attained 21 years of age if the person is:

(a) Receiving special education; or

(b) Shown to be in need of additional education in order to receive a Certificate of Initial or Advanced Mastery.

(2) The person shall apply to the board of directors of the school district of residence for admission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by a decision of the local board may appeal to the State Board of Education. The decision of the state board is final and not subject to appeal.

[(2)] (3) Notwithstanding ORS 332.595 (1), a school district shall not exclude from admission a child located in the district solely because the child does not have a fixed place of residence or solely because the child is not under the supervision of a parent, guardian or person in a parental relationship.

[(3)] (4) A child entering the first grade during the fall term shall be considered to be six years of age if the sixth birthday of the child occurs on or before September 1. A child entering kindergarten during the fall term shall be considered to be five years of age if the fifth birthday of the child occurs on or before September 1. However, nothing in this section prevents a district school board from admitting free of charge a child *[who is determined to be academically, socially and physically ready to enter school,]* whose needs for cognitive, social and physical development would best be met in the school program, as defined by policies of the district school board, to enter school even though the child has not attained the minimum age requirement but is a resident of the district.

[(4)] District school boards may provide, by rule, that a resident child eligible to enter kindergarten or first grade at the opening of the fall term, but who does not enter within the first four weeks of such term shall be ineligible to enter school for the remainder of the school year or until another beginning kindergarten or first grade class is organized during that school year. A district school board may waive the requirements of this subsection for disadvantaged children as defined by ORS 343.650.]

SECTION 27. (1) Commencing no later than September 1997, each school district shall institute programs that allow students to qualify for a Certificate of Advanced Mastery with college preparatory and academic professional technical endorsements. Study may be undertaken in a public school, community college or public professional technical school, or any combination thereof, and must involve at least two years of study or a combination of work and study. The certificate program must include a comprehensive educational component.

(2) The student must demonstrate mastery of knowledge and skills on performance-based assessments, where possible, using work samples, tests, portfolios or other means. All courses neces-

tion may withhold portions of State School Fund moneys otherwise allocated to the district for operating expenses until such deficiencies are corrected unless the withholding would create an undue hardship, as determined pursuant to rules of the State Board of Education.

(3) Within 90 days of the finding of deficiency, a school district found not to be in compliance shall submit a plan, acceptable to the Superintendent of Public Instruction, for meeting standardization requirements. A team of Department of Education staff, with Distinguished Oregon Educators, when feasible, operating under the direction of the Department of Education, shall visit the school district and offer technical assistance, as needed, in the preparation and implementation of the plan. When an acceptable plan for meeting standardization requirements has been submitted, the Superintendent of Public Instruction may allow an extension of time, not to exceed 12 months, if the superintendent determines that such deficiencies cannot be corrected or removed before the beginning of the next school year *(following the adoption of, and levy of a tax under a budget)*. However, no extension shall be granted if it is possible for a district to correct the deficiency through merger. For the period of the extension of time under this subsection, the school shall be considered a conditionally standard school.

(4) Any district failing to submit a plan for meeting standardization requirements within the time specified shall receive no further *(Basic School Support Fund)* State School Fund moneys until a plan acceptable to the Superintendent of Public Instruction is submitted irrespective of the district's being given one year in which to *(levy a tax)* comply.

SECTION 33. ORS 336.705 is amended to read:

336.705. As used in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135:

(1) "Administrator" includes all persons whose duties require administrative certificates.

(2) "Educational goals" means a set of goals for educational performance, as formulated by site committees and local communities, and adopted by district school boards, according to provisions of ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135, to encourage greater accountability between schools and the community, and better to assess the effectiveness of educational programs, including the professional growth and career opportunity programs, described in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135.

(3) "Index of teaching and learning conditions" means the system for the collection and analysis of relevant educational data by schools, districts and the state for the purpose of assessing the educational effectiveness of schools and programs.

(4) "Parents" means parents or guardians of students currently enrolled in a public school providing education in prekindergarten through grade 12.

[(4)] (5) "School Improvement and Professional Development program" means a formal plan submitted by a school district and approved by the Department of Education according to criteria specified in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135.

[(5)] (6) "School district" means a school district, an education service district, a state-operated school or any legally constituted combination of such entities that submits an application under ORS 336.720.

[(6)] (7) ["Site committee"] "21st Century Schools Council" means a body composed of teachers, classified district employees, administrators, parents of students and others, constituted under ORS 336.745, *for the purpose of designing, sponsoring and administering local professional growth and career opportunity programs*.

[(7)] (8) "Teacher" means all certificated employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision of teachers, and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or a person whose duties require an administrative certificate.

SECTION 34. ORS 336.745 is amended to read:

336.745. (1) To the extent practicable, the establishment of school goals, the development and use of indexes of teaching and learning conditions and the administration of grants-in-aid for the

eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in another district, as determined in accordance with the rules of the State Board of Education, but net operating expenditures does not include transportation, food service, student body activities, community services, capital outlay, debt service or expenses incurred for nonresident students.

(7)(a) "Resident pupil" means any pupil:

(A) Whose legal school residence is within the boundaries of a school district reporting the pupil, if the district is legally responsible for the education of the pupil, except that "resident pupil" does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the district does not pay tuition for placement outside the district; or

(B) Whose legal residence is not within the boundaries of the district reporting the pupil but attends school in the district with the written consent of the affected school district boards. However, such written agreements shall not apply to pupils attending high school under ORS 335.090.

(b) "Resident pupil" includes a pupil admitted to a school district under ORS 339.115 [(2)] (3).

(8) "Standard school" means a school meeting the standards set by the rules of the State Board of Education.

(9) "Assessed value" means the assessed value of the property within the district, as shown upon the assessment roll as of January 1 of the calendar year in which the last preceding fiscal year of the school district commenced for which a value has been certified pursuant to ORS 311.105. However, where schools for all [12] 13 grades are not operated or provided for by the same district, eight and one-third percent of the assessed value shall be attributed to a district for each grade.

SECTION 36. (1) The amendments to ORS 336.705 by section 33 of this Act are intended to change the name of the site committee or building site committee to the 21st Century Schools Council.

(2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the site committee or building site committee from which duties, functions or powers are transferred by this Act, wherever they occur in Oregon Revised Statutes, other words designating the 21st Century Schools Council to which such duties, functions or powers are transferred.

SECTION 37. Nothing in this Act is intended to be mandated without adequate funding support. Therefore, those features of this Act which require significant additional funds shall not be implemented statewide until funding is available.

SECTION 38. (1) The State Board of Education shall adopt rules, as necessary for the statewide implementation of this Act. The rules shall be prepared in consultation with appropriate representatives from the educational and business and labor communities.

(2) Beginning in the 1991-1993 biennium, the Department of Education shall be responsible for coordinating research, planning and public discussion so that activities necessary to the implementation of this Act can be achieved. Actions by the department to fulfill this responsibility may include, but are not limited to:

- (a) Updating common curriculum goals to meet international standards;
 - (b) Developing performance-based assessment mechanisms;
 - (c) Establishing criteria for Certificates of Initial Mastery and Advanced Mastery, and for benchmarks at grades 3, 5, 8 and 10;
 - (d) Researching and developing models for nongraded primaries;
 - (e) Establishing criteria for early childhood improvement programs;
 - (f) Amending the application process for school improvement grants;
 - (g) Researching and developing educational choice plans;
 - (h) Working with the Oregon Workforce Quality Council and the Office of Community College Services to develop no fewer than six broad occupational choices for Certificates of Advanced Mastery;
 - (i) Establishing criteria for the selection of Distinguished Oregon Educators;
 - (j) Establishing criteria for learning environments that may include alternative learning centers;
- and